

NEBRASKA DEPARTMENT  
OF INSURANCE

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

MAY 10 2004

FILED

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE,

PETITIONER,

VS.

MATTHEW SLEISTER,

RESPONDENT.

CONSENT ORDER

CAUSE NO. A-1533

Apr 26, 2004 ACCT# 8521 \$750.00  
NO-INVOICE TRAN# 1310814  
SLEISTER, MATTHEW DAVID  
CHECK# 5096

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Martin W. Swanson and Matthew Sleister, ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §44-101.01 and §44-4001, et seq.

2. Respondent was licensed as an insurance agent under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Matthew Sleister, Cause Number A-1533 on April 13, 2004. A copy of the petition was served upon the Respondent at the Respondent's address registered with the Department by certified mail, return receipt requested.

2. Respondent violated Neb. Rev. Stat. §44-4059(1)(b), Title 210, Chapter 19, §§006.01, 006.01B, 006.02, 006.02B, 006.02D, and Title 210, Chapter 46, §§012.01, 012.01(A),

012.01(B), 012.01(B)(i), 012.01(B)(ii), 012.01(C), 012.01(D), 012.02, 012.02, 012.02(A),  
012.02(B):

- a. On September 13, 2003, Respondent solicited a Bankers Life and Casualty Company application for Whole Life insurance from Marjorie Sorensen. When filling out the form(s), Respondent failed to denote that this was a replacement policy. The form asked whether or not this new policy would replace "any existing life insurance or annuities in this or any other company." Respondent indicated that it would not, however, it did, in fact, replace a Flexible Premium Adjustable Life Insurance Plan, policy number 7,213,730. Scott Zager, consumer affairs insurance investigator with the Nebraska Department of Insurance, received all of the documents from Bankers Life and Casualty Company regarding Ms. Sorensen. Those documents did not reveal a replacement form. Additionally, Respondent, in a May 5, 2003 letter to Mr. Zager, admitted that he did not submit replacement forms with the life and annuity applications because "it was an in house replacement."
- b. On July 16<sup>th</sup> or 17<sup>th</sup> of 2003, Respondent solicited a Bankers Life and Casualty Company application for Long-Term Care insurance from Yale Trustin. On the relevant forms, the replacement questions on the application were marked "no" to replace any other type of insurance when, in fact, this policy would replace an existing policy through CNA. Scott Zager, consumer affairs insurance investigator with the Nebraska Department of Insurance, received all of the documents from Bankers Life and Casualty Company regarding Yale Trustin's new policy. Those documents did not reveal a replacement form. Additionally, in an October 22, 2003 letter, Respondent admitted that he failed to mark the policy as a replacement and did not submit replacement forms.

3. Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits the allegations contained stated in Paragraph #2 above.

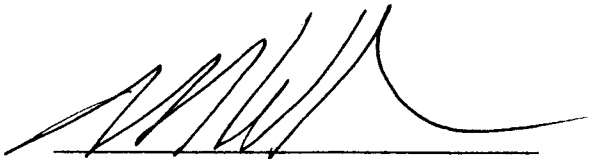
#### CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of Neb. Rev. Stat. §44-4059(1)(b), Title 210, Chapter 19, §§006.01, 006.01B, 006.02, 006.02B, 006.02D, and Title 210,

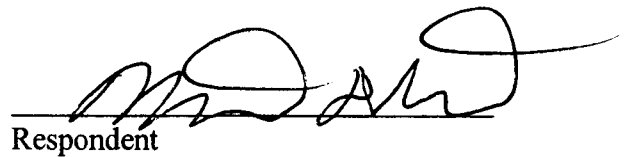
Chapter 46, §§012.01, 012.01(A), 012.01(B), 012.01(B)(i), 012.01(B)(ii), 012.01(C), 012.01(D),  
012.02, 012.02(A), 012.02(B)

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, Matthew Sleister, that he shall pay an administrative fine of \$750. The fine shall be paid in total within thirty days after the Director of the Department of Insurance affixes his signature to this document and approves said consent agreement. If Respondent fails to pay this fine in the time specified, his Nebraska's insurance producers license shall automatically be revoked. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his signature below.



Martin W. Swanson, #20795  
Attorney for Nebraska  
Department of Insurance  
941 "O" Street, Suite 400  
Lincoln, Nebraska 68508  
(402)471-2201

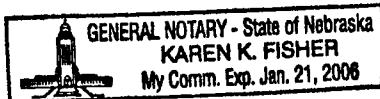
  
Respondent

5-4-04  
Date

~~5-4-04~~ 5/10/04  
Date

State of Nebraska )  
County of Douglas ) ss.

On this 4 day of May 2004, Matthew Sleister personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.



Karen K. Fisher  
Notary Public

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Matthew Sleister, Cause No. A-1533.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

L. Tim Wagner

L. TIM WAGNER  
Director of Insurance

5/10/04  
Date

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent, at 13310 Fort Street, Omaha, Nebraska 68164, by certified mail, return receipt requested on this 11<sup>th</sup> day of May, 2004.

Tracy A. Huhn